

REMARKS

In view of the subject amendments and newly presented claims applicant respectfully submits that the rejection is now rendered moot. Specifically, the rejection of claims 44-48 under 35 U.S.C. 102(b) as being anticipated by Garden (5,486,223) is respectfully traversed.

In order to properly maintain a rejection under 35 U.S.C. §102, a single prior art reference must disclose each and every element of the claimed invention. Moreover, it is incumbent upon the Examiner to identify where each and every facet of the claimed invention is disclosed in the applied reference. *Ex parte Levy*, 17 USPQ 2d 1461, 1462 (PTO Bd. App. & Intf. 1990).

The corollary of that rule is that absence from the reference of any claimed element negates anticipation. *Kloster Speedsteel AB v. Crucible Inc.*, 230 USPQ 81, 84 (Fed. Cir. 1988).

The reference fails to disclose limitations such as:

... "the additive comprising a plurality of solid elements substantially uniformly and stably distributed in the composite matrix for forming the product;

the composite matrix contacting and bonding together the plurality of the solid elements at a plurality of interfacial contacting regions inside the product;

each of the plurality of the interfacial contacting and bonding regions between the composite matrix and a respective solid element being formed by a liquid diffusion process so as to be metallurgically graded thereby generating a non-abrupt but chemically graded composition profile normally of the respective interfacial contacting and bonding region to minimize stress strain gradients there across..."

Support for these amendments to claim 44 is found at page 6, lines 1-3, page 26, lines 2-17 and page 47, lines 1-4 of the application.

According the rejection can not be maintained.

The rejection of Claims 44-51 under 35 U.S.C. 102(b) as being anticipated by Tenhover et al. (5,354,615) is respectfully traversed.

As above, the claims recite limitations not found in the subject prior art and thus the rejection can not properly be maintained.

Support for the amendments to claim 45 is found at page 12, lines 1-7 of the application.

Support for the amendments to claim 46 is found at the paragraph bridging pages 24 and 25 of the application.

Support for the amendments to claim 47 is found at the paragraph bridging pages 27 and 28 of the application. See also page 24, line 9.

Support for the amendments to claim 48 is found at page 12, lines 1-7..

Support for claim 49 is found at page 42, lines 5-13.

Support for the amendment to claims 50-52 is found at page 42, line 10.

Support for new claim 53 is found at page 5, line 5 and at page 38, lines 5-9

Support for new claim 54 is found at page 5, lines 13-16 and at page 9, lines 3-9.

Support for new claim 55 is found at page is found at page the paragraph bridging pages 8-9 of the specification and at page 8, line 12.

Support for new claim 56 is found at page 9 lines 3-9.

Support for new claim 57 is found at page 9, lines 1-15, and at page 35, lines 2-9.

Support for new claim 58 is found at page 13, lines 2-10.

Support for new claim 59 is found at page 13, lines 2 -10 and line 20, page 19, line 14 and page 22, line 30.

Support for new claim 60 is found at page 20, lines 6-10 and page 20, lines 1-6 and the paragraph spanning pages page 24 and 25.

Support for new claim 61 is found at page 20, lines 1-14, page 21, lines 1-9 and page 26, lines 19-25.

Support for claim 62 is found at page 26, lines 2-17 and page 47, lines 1-4.

Support for claim 63 is found at page 27, lines 1- 9.

Support for new claim 64 is found at page 33, lines 15-20.
Support for claim 65 is found at page 46, lines 9-14.

Support for new claim 66 is found at page 1 lines 9-14.

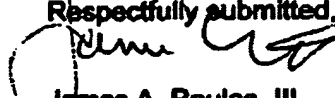
Support for new claim 67 is found at the paragraph bridging pages 1 and 2.

Support for new claim 68 is found at page 2, lines 4-10.

In view of the amendments and remarks above, Applicants submit that this application is in condition for allowance and request reconsideration and favorable action thereon.

Any fee not covered and required for entry of this amendment should be charged to the undersign's deposit account 50-1770.

Respectfully submitted,


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Atty. Docket No. II, '528

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The undersigned certifies that this amendment, a petition for extending the response date 6 months and an IDS citing one reference were filed by facsimile to 571 273 8300 By the undersigned on March 30, 2005.


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